

FIRST REGULAR SESSION

# HOUSE BILL NO. 455

## 99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAHR.

1175H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to structured family caregiving for MO HealthNet home- and community-based care.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be known as section 208.896, to read as follows:

**208.896. 1. To ensure the availability of comprehensive and cost-effective choices for MO HealthNet participants to live at home in the communities of their choice and to receive support from caregivers of their choice, structured family caregiving shall be added as a covered home- and community-based waiver service in the Missouri aged and disabled adult waiver, subject to federal approval of the waiver amendments which are necessary to implement the provisions of this section.**

**2. The addition of structured family caregiving as a covered home- and community-based waiver service in the Missouri aged and disabled adult waiver shall include:**

**(1) A choice for participants of qualified and credentialed caregivers, including family caregivers;**

**(2) A choice for participants of community settings in which they receive structured family caregiving. A caregiver may provide structured family caregiving services in the caregiver's home or the participant's home;**

**(3) A requirement that caregivers under this section are added to the family care safety registry and comply with the provisions of sections 210.900 to 210.936;**

**(4) A requirement that all caregivers and organizations serving as structured family caregiving agencies are subject to the provisions of section 660.023;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           (5) A requirement that all organizations serving as structured family caregiving  
19 agencies are subject to the provisions of section 208.918;

20           (6) A requirement that all organizations serving as structured family caregiving  
21 agencies are considered home- and community-based care providers and are accountable  
22 for quality, including qualification and requalification of caregivers and homes,  
23 professional staff support for eligible seniors, and deployment of electronic daily notes; and

24           (7) A daily payment rate for services that is adequate to pay stipends to caregivers  
25 and pay provider agencies for the cost of providing professional staff support as required  
26 under this section.

27           3. (1) Within ninety days of the effective date of this section, the department of  
28 social services shall, if necessary to implement the provisions of this section, apply to the  
29 United States Secretary of Health and Human Services for an amendment to the aged and  
30 disabled adult waiver for the purpose of including structured family caregiving as a  
31 covered service for eligible home- and community-based care participants. The  
32 department of social services shall request an effective date of not later than July 1, 2018,  
33 and shall, by such date, take all administrative actions necessary to ensure timely and  
34 equitable availability of structured family caregiving services for home- and community-  
35 based care participants.

36           (2) Upon receipt of an approved amended waiver under subdivision (1) of this  
37 subsection, the department of health and senior services shall promulgate rules to  
38 implement the provisions of this section. Any rule or portion of a rule, as that term is  
39 defined in section 536.010, that is created under the authority delegated in this section shall  
40 become effective only if it complies with and is subject to all of the provisions of chapter  
41 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and  
42 if any of the powers vested with the general assembly pursuant to chapter 536 to review,  
43 to delay the effective date, or to disapprove and annul a rule are subsequently held  
44 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
45 after August 28, 2017, shall be invalid and void.

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